

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

September 9, 2020

Chairman Domenic Pane called the September 9, 2020 Zoom meeting to order at 7:00 p.m.

I. **PLEDGE OF ALLEGIANCE**

II. **ROLL CALL AND SEATING OF ALTERNATES**

Commissioners Present

Chairman Domenic Pane
Commissioner Anthony Claffey
Commissioner Michael Fox
Commissioner Garrett Havens
Commissioner David Lenares
Commissioner Stanley Sobieski
Commissioner Stephen Woods
Commissioner Thomas Gill-A
Commissioner Bryan Haggerty-A

Commissioners Absent

Commissioner Hyman Braverman

Staff Present

Craig Minor, Town Planner

III. **APPROVAL OF AGENDA**

Chairman Pane: Do we have anything to change on the agenda?

Craig Minor: No

IV. **PUBLIC PARTICIPATION** (For items not listed on the agenda. Speakers limited to two minutes. Use the Zoom "Raise Hand" function)

None

V. **ZONING ENFORCEMENT OFFICER REPORT**

Chairman Pane: We are going to delay that because Andrew was out.

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Craig Minor: That's correct, but if anyone has any questions about it, or they want to convey anything to Mr. Armstrong, I'll be happy to take those questions or comments.

Chairman Pane: Are there any Commissioners that have any questions, or would like to bring anything to our enforcement officer's attention on his report? It's nice to hear that they removed the two roosters from Hartford Avenue and when Andrew is in at our next meeting, you will have him at our next meeting Craig?

Craig Minor: Yes.

Chairman Pane: Thank you.

VI. REMARKS BY COMMISSIONERS

None.

VII. APPROVAL OF MINUTES

Commissioner Sobieski moved to accept the minutes of the August 12, 2020 meeting. The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion, with seven voting YEA.

VIII. NEW BUSINESS

- A. Review "Commercial Vehicles in Residential Zone regulation (Sec. 3.22.1.C) and "Use of Residence for Personal Business" and "Home Occupation and Professional Office" regulations (Sec. 3.3.3 and Sec. 3.4.4)

Chairman Pane: Craig, maybe you could give us a little bit more history on this, because this was changed a few years ago and it got complicated I think for Zoning Enforcement, so maybe you could give us a brief history, and our objective basically is to try to clean it up and make it a little friendlier.

Craig Minor: I think Mr. Chairman you just said what I would have said, yes, a couple of years ago we took what was then a very complicated regulation, we tried to make it more simple, but I think we made it just as complicated in different ways, so I have taken a stab at simplifying it, which I gave to the Commission at the last meeting and it's in front of you tonight. It's in front of you in two formats; it's in front of you in what I call clean, which is just the way I am proposing that it reads, but I have also given it to you with my strike outs and underlines to show you which language I'm suggesting we delete and what new language I'm suggesting we put in. So, we started the discussion at the last couple of meetings, but I think Commissioner Claffey felt that because the home business regulations are fairly well related to the commercial vehicle in the residential zone regulations, that it made sense to discuss all of them in the same setting, so that is why they are all being presented to you tonight.

Chairman Pane: Thank you. I'll open it up to the Commissioners, if the Commissioners have any comments concerning this. Any comments from the Commissioners on this proposed regulation?

Commissioner Claffey: I guess, starting out right at the beginning, you know, 3.22.1, we talk about accessory structures and uses permitted, and commercial vehicles come under that section, but then I guess, trying to define commercial vehicles, anything that is motorized, under subsection 2, you know, and I'm going to go back and forth here with this concern, and then in number 3 you talk about vehicles being permitted to be kept at a residential property, heavy duty earth moving equipment, cement mixers, trenching pipe laying equipment or other similar type of construction equipment. It seems to me that, are we specific to or are we going to try to separate this, that there is a difference between a commercial vehicle and a, I don't want to call it a vehicle because equipment, you see what I'm saying Craig? You could have a large commercial.....

Chairman Pane: Let me take a stab at this Commissioner Claffey if I could. I'm sorry to interrupt you but, basically you said we are allowed to have one commercial vehicle but then let's say they wanted something else, they would have to come in front of us under Section 3.4.8 and present to us what else they want to have here.

Commissioner Claffey: Well, I guess this allows, if I'm reading this, this allows you to have one commercial vehicle that is motorized and then in the end of the section, you can also have some form of heavy duty earth moving equipment, cement mixer, trenching pipe laying equipment or some other similar type of construction equipment, and I think that is where we get into a problem, because to me, I could have a commercial vehicle, but I could also have a dual axel dump trailer motorized by hydraulics and then I could come in for a second commercial vehicle. So you could have, technically, enormous types of machines, one is classified one because it has a motor but then a dual axel dump trailer which could you know, can only be used when it is hooked up to the truck in front of it, you see what I'm getting at.

Chairman Pane: First of all, when you say, heavy duty earth moving equipment, cement mixers, trenching pipe laying equipment, and other similar types of construction equipment, you are missing the point. If you go up to 3, it says vehicles permitted to be kept at a residential property, in accordance with Section C.1 do not include the following: heavy duty earth moving equipment, cement mixers, trenching pipe laying equipment or other similar type of construction equipment. So the heavy duty earth moving equipment is not allowed, the cement mixers are not allowed, trenching pipe laying equipment are not allowed, construction equipment is not allowed. They have one commercial truck there and then all of a sudden they decide they want a couple of other things there, they are going to have to come before the board and explain to us how they are going to store it, where it is going to be parked.

Commissioner Claffey: So, okay, I get it, but that brings me to a landscaper now who needs to come before us if he wants to have a, I hate to say it, a plow dropped, a nine foot plow, you see what I'm getting at?

Chairman Pane: A plow is a plow, there are residential people that have plows. We would hope that the people would put the plows on the side of the yard, behind the fences, so that it

wasn't obvious, they aren't the most appealing things. What is the problem with somebody having a plow?

Commissioner Claffey: I remember that was brought up about two months ago at these meetings and that language was in this, not in this version but in a past version of this, if I'm not mistaken, Mr. Minor.

Craig Minor: That's correct. I took a stab at this a couple of months ago because we were coming out of the winter and we had had some situations where self employed landscaping contractors brought their snow plows home at the end of the day and just dropped it in their front yard, and that was an issue that, like I said, it was an issue that I took a stab at, at dealing with in the home business regulations because it seemed like an appropriate place to put a piece of equipment that a home business might typically want to have.

Chairman Pane: Any other questions, Commissioner Claffey?

Commissioner Claffey: At the end of Mr. Minor's number 5, comply with paragraph 3 of this section, what are we talking about in paragraph 3?

Craig Minor: What this paragraph 5 does is it gives somebody the opportunity to come in front of TPZ to keep something that would otherwise be prohibited, but this gives them the opportunity to come before TPZ at a public hearing where the neighbors can come and speak, and present his case, why he has a unique situation such that this extra vehicle or prohibited vehicle in his case, because of the way that he is proposing to maintain it would be compatible with the neighborhood at the discretion of the TPZ.

Commissioner Claffey: And one of my last questions, I don't think we should put a poundage on vehicles and my reasoning is in our language, in paragraph one, or subsection C1, we say a vehicle not exceeding X weight and not exceed square footage of cargo area. Then we get into commercial vehicles in number 2, include but are not limited to step vans, pickup trucks, cargo vans, box trucks, flat bed or stake bed trucks. Most of those in A, I would say most of those are under a poundage of 15,000, but you could get, I could go and buy a box truck and put a cab and chassis and put a box on the back, and it could be 18,000 pounds. You would never know the difference. It looks just like a truck I would go buy at the Ford dealership to drive my kids in. So I don't think we maybe don't want to put a weight, because I think the biggest concern in this town, and I wish Andrew was here, but maybe Craig could speak for him, is a lot of our so called truck issues with commercial vehicles are a lot more of these tri-axle dump trucks and large payloaders, like on one of the streets we cited, I think it was Vivian, and it's not really your typically van contractor, plumber or electrician, etc., so I think maybe we should take the weight out. I think the rest of it was great, we kind of taken away B, C and D and wrapped it up with the way Craig has done it, like with paragraph 3,4, and 5, and then, because most pickup trucks that you and I would drive, would have four tires. Some have a dually which is six tires, but anybody could go and buy that. As Commissioners Woods said, or excuse me, Commissioner Woods said it, but in the memorandum Craig talks about, yeah, I could throw two tons of dirt in my pickup truck, but 99 percent of the time, I'm driving my family in it, as a homeowner. So I think it's good, I don't want to put a weight in, I don't know what the other Commissioners think, that's my two cents.

Chairman Pane: I agree with you, I think the weight could become a problem with us, some dump trucks are 15, some are up to 19,5 and there is also, you have the possibility of someone who is on call and has to bring his wrecker home, some of these, I'm in agreement with you, I think the weight classification in number one should come out but then also down in 2B, where it says any vehicle outfitted with a commercial backup alarm shall be deemed a commercial vehicle, I'm wondering if we should take that out, because Commissioner Woods brought up that there are a lot of vehicle out there that have backup alarms that aren't commercial vehicles.

Commissioner Fox: I agree with that, I mean, you could go, using Commissioner Claffey's example, go to the Ford dealer and order a F215 Van which is well within limits with a backup alarm.

Craig Minor: Let me advocate just for a second for keeping it, remember, you can have a commercial vehicle. You are allowed one commercial vehicle and if the one vehicle has a backup alarm, okay, that is the one commercial vehicle that you are allowed to have, so it would prevent someone from having a backup alarm.

Commissioner Claffey: If I may, with this backup alarm, we are making the assumption that this backup alarm deems it to be commercial, and I think what Mr. Fox is saying, and he can correct me if I'm wrong, is that you can go buy that Econoline E250 van for your personal use and it's a big van, they are big vans, and they fit under the weight capacity, but a lot of people put backup alarms on them, just for the safety for the visual and the alarming of people, hey, I'm backing out. I think, if we try to say, you have a backup alarm on that, you are a commercial vehicle, I think that is stretching.....

Craig Minor: Let me try one more thing, and then I'll drop it. A lot of complaints, at one point, it was a neighbor dispute, but one neighbor was complaining about the other neighbor who gets up at 5:00 in the morning and backs his car out of the driveway with the backup alarm and that was very annoying according to the person who called, and yes, I can see how that would be. So that is why I threw this in there, but it's your regulation gentlemen, it's up to you.

Commissioner Sobieski: I'm just a little confused here, where it says under 3B, Buses, semi-trailers, tractor trailers, dump trucks, and wreckers, we're saying those are prohibited. Yet, we also allow someone to come in and take the wrecker home if they are on call, so you might want to modify that, make it a little clearer. It's only a suggestion.

Chairman Pane: That was one of the other points that I had marked out here. I'm wondering if dump trucks and wreckers should be taken out of it. You have a small guy taking a small truck home or a wrecker home and I don't know as those should be classified as not allowed. Any other comments from any other Commissioners?

Commissioner Woods: I have an issue with 3.22.1.2, that first paragraph. I think it's, for me, just too general, and basically it's telling you that any vehicle, whether it's registered as commercial vehicle or not, be considered a commercial vehicle if it is used for business. Like a guy doing a paper route, he's using his car to deliver papers, does that now become a commercial vehicle? If you wanted to have a small dump truck, he now needs to get permission. I like A and B, I don't have issues with that, although I do agree with you Mr. Chairman that you might want to take the wreckers out and possibly the dump trucks. These

are difficult because Mr. Minor I think hit the nail right on the head, most of these aren't really so much to do with the vehicle as to do with the neighbor disputes, that they aren't happy with each other. I would think maybe what we could do, and I don't know if you can regulate this, Craig if you could help me on it, can we make it mandatory if there is a backup alarm, it is now a white noise alarm. It is much less offensive at the early hours or the late hours of the evening. It doesn't seem to pierce through you. Most of the construction jobs that we are on now, they require that.

Chairman Pane: What was that Commissioner Woods? A different backup one?

Commissioner Woods: Yes, they call it white noise. So it's, any of the universities that you work on now, any of the schools, they make it mandatory that you have it on all of your vehicles.

Chairman Pane: Which is not as loud?

Commissioner Woods: It's not as loud, yes. It does make a considerable difference.

Chairman Pane: Are you allowed to have a cutoff on a back up alarm so if you are in a residential zone you can cut it, for instance, if you are backing in and out of a driveway. Is that legal?

Commissioner Woods: You used to be able to do that, Caterpillar equipment used to come that way, it no longer does. You actually, Caterpillar used to come with settings. You could do low, medium, high, they have done away with all of that because of OSHA. Unfortunately, we have several new mini excavators, they not only have a backup alarm going backwards, that backup alarm is whether that machine is going forward, backward or sideways. Any movement on that machine, there is an alarm.

Chairman Pane: So, Commissioner Woods, on 3.22.1, basically you wanted to make it so that the vehicle has to be registered as a commercial vehicle, possibly? Is that what.....

Commissioner Woods: That is what I would like to see, yes, because I think we are going to open ourselves up to a regulation that we can't enforce. Just because we are basically saying, everything is a commercial vehicle if you use it for business, and a lot of people use their cars for business. I'm not trying to pick on you, but I'm trying to help you and help all of us to get a regulation that is effective.

Commissioner Havens: As far as taking out the dump trucks and the wreckers completely, that might be a mistake if we can word it as such where, if someone is bringing it home because they are on call for a day or two, or over the course of a weekend, that's one thing, but we don't want it to get to the point where people are bringing it home just because they can now, and it makes their life simpler. Once or twice a week, once or twice every other week, something like that I think is acceptable, but we certainly don't want people just parking dump trucks, wreckers, in their yards every day of the year.

Commissioner Claffey: My question is really, spawned a new question off of Commissioner Woods, is if we go the route of putting a commercial vehicle that has a registered commercial vehicle, and I agree with him, a lot of people go to work, and do work in their vehicles, you can

classify it that way, but how are we going to differentiate and guarantee because each type of business is regulated by different departments in the State of Connecticut and you can go register, like a commercial vehicle like I use first goes through a different department before you go to DMV, Just like a moving truck, is regulated first, and the DOT and not DMV. So, I agree with you making a commercial vehicle, is it truly based on how your vehicle is insured, or who the ownership of that vehicle is?

Chairman Pane: Commissioner Claffey, isn't there just one plate, a commercial plate, or is there more than one.

Commissioner Claffey: No, there are multiple, like my business, there are six different commercial plates.....

Chairman Pane: That's because it's a livery.

Commissioner Claffey: But the same with a moving van, you can be apportioned, there are different commercial vehicles that are regulated by different departments.

Chairman Pane: So if it was a commercially registered vehicle, and then you could list the type of plates.....

Commissioner Claffey: What I'm getting at is, what defines a vehicle as a true registered commercial vehicle?

Chairman Pane: DMV.

Commissioner Claffey: Not always. I'm not, I agree with Mr. Woods that a standard person like, I could go and get a combination plate and it would be deemed differently than a regular normal plate. It could go on the same exact vehicle.

Chairman Pane: I understand.

Commissioner Claffey: But that vehicle is not registered as a business, it's registered in a person's name, so that's why I'm saying.....

Chairman Pane: So in that particular instance they would not be required to, they could park it because it was a combo. If it had a commercial plate, then obviously they were doing more commercial work and then they would have to you know, apply.

Commissioner Claffey: But you still haven't defined what the Town is defining as a commercial vehicle. That's where I think the hiccup is. There is no set definition.

Commissioner Woods: I don't know if this will help or not, again, I have a lot of commercial vehicles, we all know that. If Stephen Woods went to register one of my trailers, I can register one of my mowing trailers and small (inaudible) trailers and I could register it with a regular plate, but as Stephen Woods, Vice-President of the Stonehedge Landscaping, I can want to register it with a regular plate, I'm going to leave there with a commercial plate. Motor Vehicle won't allow me to register it non-commercially. I don't have any choice in the matter. Now

where the problem is going to come, and Commissioner Claffey touched on it, is the quasi businesses, that really aren't businesses, so I don't know how we eliminate that completely. There is the mechanism at the Motor Vehicle Department to try to help us to try to define commercial versus non-commercial, and I think we need to kind of piggyback off of that.

Chairman Pane: Thank you Commissioner Woods. Commissioner Sobieski, did you have something?

Commissioner Sobieski: Yes, when Mike D'Amato did this, didn't we look at motor vehicle regs to try to figure out how to define this, and I didn't think that they were that helpful. Maybe I'm wrong, but I still remember him stating that when we were working on this.

Chairman Pane: Maybe the Town Planner could look into this for the next meeting, to come up with a better way to define the commercial vehicles.

Craig Minor: I can do that, and yes, Commissioner Sobieski, I do recall Mike D'Amato tried to use some of the DMV's nomenclature and that might be why we ended up getting very complicated, but I'll look into that.

Commissioner Sobieski: If I'm not mistaken, I think the combo plates were what the issue was, because the combo plates had a weight on them, and they are mostly used for people going down the Merritt Parkway.

Chairman Pane: Thank you Commissioner Sobieski. Any other Commissioners have any comments on this? I think everybody is in agreement that we want to try to bring this up a little bit, and we'll have the Town Planner look into how we can define a commercial vehicle and we'll take a good look at it at the next meeting.

If no one has an objection, we'll move onto the second part of this, which is the home occupation businesses. Frankly, I went through this, and I can't see where I would be in favor of changing anything. It is pretty good, but it was nice to pull it out because they sometimes touch upon each other, but I'll open it up to Commissioner comments to see if anybody has any concerns with Section 3.3 or 3.4. Any comments on the home occupation section?

Commissioner Woods: Actually I do agree with you, I think this is pretty well written. It doesn't seem to be causing us any sort of problems throughout the Town, so I think this is one regulation that is actually working and doing a good job. I think we should leave well enough alone.

Commissioner Sobieski: I also concur with Commissioner Woods.

Commissioner Fox: And I agree with all three of you.

Chairman Pane: Thank you Commissioners. Commissioner Havens, did you say you agree?

Commissioner Havens: I didn't say it, but I do.

Chairman Pane: Any other comments: Commissioner Claffey?

Commissioner Claffey: The only question that I had was, and I don't think we have any in Newington, and if we do, and any of the Commissioners know of, and it may be coming down due to the current Covid situation. I think a lot of people are going to be changing the way that they do business. I think a lot of people have seen that, but when we get to the bottom of the home occupation, if you scroll that page down, when you get into home occupations, offices in residences, medical/dental. We touched on it with beauty parlors and we were all against it, but maybe some other of you know if there is any that we have approved that are medical or dental. I only bring that up because I've seen a lot in the west end of Hartford where you have a three family home and over time they have been converted into offices, and some are still homes on the second and third floor and the doctor has an office on the first floor. I guess I'm asking this, is A, if we have any in town, and second because we are looking at, we've already talked about in our POCD with parking and current parking issues at some new businesses trying to come in, so you know, I know it's a broad question, but could this, or would this, need to be looked at further if there becomes, I guess, maybe a dental office doesn't want to be in a five story office building. He wants to buy a three family house and put a dentist on the first floor. I don't think we have it here, but.....

Chairman Pane: The problem with that is you can't grow much because the medical/dental is pretty much for a single operation, a very small operation, just one doctor. I'm not in favor of having a big medical/dental in a residential zone. I think the reason it is in here is in case there was a single doctor that had to have an office and that was all he wanted, if I'm not mistaken. Is that correct, Craig?

Craig Minor: This regulation has been there for a long time, I think it's a holdover from back in the day when a dentist or a doctor or for that matter a psychiatrist, could have a little office in his home. I remember I had a good friend in college whose dad was a dentist and his office was in their home. I really don't think that you see that any more.

Commissioner Claffey: I'm only asking the question, Mr. Chairman. Just because I think we are going to see a big influx of maybe, not in the next six months, but a little later, I know maybe in 2021 of companies that are going to get away from the old office space and figure out other ways to do it. I'm just bringing it up as something to watch. That's all I had on home occupations.

Chairman Pane: Okay, thank you. Any other comments?

Commissioner Sobieski: Don't we have a dental office at the corner of Main and where the old Town Hall was? It's in that brick house.

Chairman Pane: I believe so.

Commissioner Fox: Is that a residence too? I don't think there is a residence there.

Commissioner Sobieski: No, it's a residence, Mike.

Commissioner Fox: Okay.

Commissioner Claffey: As I said, I'm just bringing it up to, it's not a problem in town, I'm just trying to look into the future.

IX. OLD BUSINESS

A. Performance Bonds

Craig Minor: We have two that have not been dealt with. One is at 180 Costello Road, that is the industrial building that is under construction and as I said in my report, they haven't finished the landscaping or the dumpster pad, but the last time I spoke to them, which was a while ago, they were content to wait until they finished the project rather than request a partial release even though it would have been the lion's share, but they seem to be content to leave that as it is.

The other one is the house on Waverly Drive. I think Mr. Chairman, you said you were going to go and take a look at it to see how you feel about releasing the bond.

Chairman Pane: How did you make out Craig, on the real old ones?

Craig Minor: The really old ones, it's a bit of a challenge to find out, first of all, whether the party that paid the money back then is still the owner, and then, number two, whether they still have the same address. I am finding them, LA Fitness, which was posted back in 2005, I contacted the address, went on line, and found them, and they are still in business and yes, they would like their money back, so I am slogging through them.

Chairman Pane: I just want to, I think the other Commissioners would agree with you that if there is a handful of them that we don't find, and we can't find the rightful owner or the business has gone out of business, then report back to us, and then at the end of this project here, we should take all of the extra money that is in here and send it back to the general fund, send it to the Town Council I guess, and tell them these funds aren't needed in our account any more for the performance bonds. For instance, part of the opening balance, and then there could be a couple of others that you may have a hard time getting a hold of, and if that is the case, then I agree the money should go right back to the Council to be put back into the general fund. On that Waverly Drive, I looked at it, it was a particular house where they turned the garage I think sideways, instead of typically being facing the road. That somewhat caused the problem. I don't think anybody, the neighbor hasn't complained about it or anything. It's not right, I can understand your feelings on it, so I'll open that up to the Commission. If they feel that we should hold onto that, I don't have a problem with that, but we'll see what the other Commissioners want to do with it. Any comments from the Commissioners?

Commissioner Claffey: On Waverly Drive, I mean, has the subdivision plot plan and as built been submitted and approved as is or is it still.....

Chairman Pane: It's all old, it's from 2006. In all reality, when the plans were reviewed by the building department, they could have probably told them, look, if you have your garage this way you're not going to have enough room, so I think part of the blame is there, part of the blame is the builder knew, so there is blame to go all the way around.

Commissioner Claffey: I guess what I'm saying is, on releasing it, it's to a point now where the sales have been done, the deeds have been done, the drawings have been submitted, all the pin points of the survey have been done to release the building permit, or excuse me, the certificate of occupancy, so now it's almost a moot point because we all missed it.

Chairman Pane: They could have held the c.o. back until they corrected it, but that wasn't done.

Commissioner Claffey: Nobody is complaining about it, the neighbor is not mad, but I guess my question now is that, Mr. Planner, does that make 95 Waverly a non-conforming lot possibly because of the setback for the driveway.

Craig Minor: Yes, actually yes. If the owner of 95 Waverly, or a perspective owner asks for a certificate of zoning compliance they would come back cloudy. It would come back with a statement that the driveway is non-conforming. Not that that would hold up a sale or a mortgage but yes, that would be part of the report.

Commissioner Claffey: Okay, I personally don't have a problem with releasing it, but majority rules on this committee so.....

Commissioner Woods: I agree with Commissioner Claffey. I think, when we do this, if we are going to hold money I don't think we should hold money for fourteen years and not really do anything about it. We held the money for a reason, and initially, if there was an issue going on, yet we didn't do anything about it for fourteen years, the only issue that I think exists right now between us and the person that posted this bond, I don't even know if the homeowner is aware of it, and they might be, and my guess is, when they do to sell their house, they are going to correct it. The driveway is going to be cut and it's going to be a little narrower, so they are now in compliance. Again, I guess in the future, if we are going to take money for this, just like we did for the development at the Peckham Farm. We did pull the bond for that, and that money went back and I'm happy to report that I drove by and the road is paved. I would vote to return the money.

Chairman Pane: Thank you Commissioner Woods.

Commissioner Gill: How many feet are we talking about here?

Chairman Pane: It's five feet off.

Commissioner Gill: Is there room to buy that five feet?

Craig Minor: That is actually one of the things that was discussed many years ago. At one point, Ed Meehan, my predecessor, gave up trying to get the builder to fix it, because he was done, he was gone, even though he left \$5,000 behind. My predecessor then went to the homeowner and the homeowner said that he was going to talk to his neighbor about buying a sliver of land from his neighbor to fix the problem, on paper, but that apparently that never happened.

Commissioner Gill: There is \$5,000 there, that we could just spend that \$5,000 and buy the five feet.

Chairman Pane: We can't do that, it's private property there, so we can't buy property for the private properties. It's difficult to try to solve something that is so old. We either hold onto the money, or we give the money back.

Commissioner Fox: I have to agree with Commissioner Woods as far as, number one, returning the money. There is enough money to go around, nothing has been done about it for fourteen years, and if the neighbor is not aware of it, I was concerned about the non-conformance but that is not going to come up unless somebody looks for a mortgage, so I would vote to return it and just get it over with.

Chairman Pane: Okay, thank you Commissioner Fox. So it looks that the majority are in favor of returning this. Is that correct?

Commissioners: Yes.

Chairman Pane: Looks like Craig, we will return the money. Now, does everybody understand and are in agreement that if the Planner finds that some of these businesses are no longer in business, or he can't locate them that, if he has no where to send the money, then it is going to stay in this balance in the performance bonds and then after we get everything straightened out, whatever that total is, we should clear this from the performance bonds and send it back to the Town Council to be put into the general fund. Is everyone in agreement with that?

Commissioner Claffey: The only question I have Chairman Pane is the due diligence and how we are going to guarantee that we have done the proper due diligence.

Chairman Pane: I'm going to leave that up to the Planner along with the consulting of the Town Attorney and I'm sure that maybe the Planner could fill us in now.

Craig Minor: Yes Mr. Chairman, I was thinking about that just now. I think what I'm going to do is, once I have exhausted my efforts to find the rightful owner, I am going come back to the Commission and ask, with the names and actual specifics and then have the Commission vote to move that money to the general fund, with actual names, names of all those bonds, so it is not vague or someone can't say that the record wasn't clear, that it was his money that the TPZ voted to send to the general fund.

Chairman Pane: Very good, thank you.

Commissioner Woods: The only question I have, there are two condominiums here, Foxboro and Horizon Hills, if you can't track down the developer, I think that money should be returned to the association, if that is possible.

Chairman Pane: That's a good idea, Commissioner Woods. I think we can at the, when he brings that back to us, we can make that determination on a case by case basis.

Commissioner Woods: Okay, thank you.

Chairman Pane: Is that all right Craig?

Craig Minor: My computer froze just a Commissioner Woods started speaking but I heard the tail end of it, so I guess what you want is for me to bring them back one by one and then you can discuss each of them?

Chairman Pane: Correct. He was concerned that if there were a few with a condo association and if we couldn't find the owners, whether or not legally we could return it to the association. If we can legally, whether or not we want to do that or not. So, I think once you get more information, you could bring it to us, and then we can act on each one individually.

Craig Minor: Okay.

Chairman Pane: Is that all right with everybody? Does anybody have any concerns?

Commissioners : No.

X. PETITIONS FOR PUBLIC HEARING SCHEDULING

- A. Petition 29-20: Special Permit (Sec.6.2.5) for free-standing sign at 395 Willard Avenue, Colchester Properties LLC, Owner: Sign Life Inc., Applicant; Mark DeTulio, 6 Corporate Drive, North Haven CT, Contact

Craig Minor: The first one is a conventional free standing sign, this would be for the commercial day care that TPZ approved the site plan for last year. They want to have a commercial sign out in front, so I recommend that the hearing for that be scheduled for your next meeting on the 23rd.

Chairman Pane: That sounds good.

- B. Petiion 30-20: Zone Change From B,I,R-7 and R-12 to PD at 33,39,and 45 Spring Street, 96,108,112,116,126 120 and 129 Willard Avenue; and 230 West Hill Road, Gibbs Oil Company, Applicant, Kenneth R. Salter Jr. Esq., 225 Asylum Street, Hartford CT, Contact.

Chairman Pane: Are we going to have Petition 30-20 on the 23rd as well?

Craig Minor: That is the applicant's request is that it be scheduled for the 23rd. There is no legal impediment to doing that, it's up to the Commission if they want to schedule it for that date or not.

Chairman Pane: I don't see a problem unless there is an objection from one of the other Commissioners. I think we could put both those things on for September 23rd.

Craig Minor: Okay, I'll take care of that.

Chairman Pane: Okay, any questions from the Commissioners?

Commissioner Claffey: I have one question regarding Petition 30-20, and it has to do with the paperwork side of that. I know sometimes when we are at a meeting at the town hall, we have the drawings, the big drawings, etc. How efficient are we going to be able to get us, the Commissioners the documents that you can actually see something.

Craig Minor I will mail to you a 8 ½ by 11, maybe legal size, showing the boundaries of the proposed zone, and of course it would be displayed on your computer.

Commissioner Claffey: I'm looking at the drawings that were in the packet that were supplied to you, supplied to us, and you really can't see anything.

Chairman Pane: I understand your point, and I was going to ask for a full set of drawings. I think they have to give you full sets, don't they Craig?

Craig Minor: Yes, if the Commissioners feel they want the 24 x 36, that's not a problem. I can do that.

Chairman Pane: So if there is a Commissioner who would like the full set, or the larger set, to see it, I would be one of them, and I think Commissioner Claffey and if the other Commissioners want a full plan, then request it now and we will get it to everybody.

Craig Minor: Mr. Chairman, I'll just do it. I'll have the applicant give me enough copies, because I'm hand delivering them anyway, so that is not a problem.

Chairman Pane: I think that would come in handy for everybody. Very good. Any other questions?

Commissioner Gill: I was hearing one of the other Commissions, where the Town Manager was talking about proposed streetscapes, possibly in the Briarwood area, the intersection of, where Yanni's is, and the question I have is, the new gas station that we approved are they going to be doing streetscaping and is that going to affect, are they going to rip up something within the next two years?

XI. TOWN PLANNER REPORT

Craig Minor: I see from the agenda that I left off Town Planner Report, which will be a good place for me to talk about this.

Yes, Commissioner Gill, a few months ago, the Town Manager and I talked about possibly creating a streetscape project in that area of town, similar to what has been going on in the town center for the past decade or so with curbs, sidewalks, decorative lighting and so forth. We put together a grant application that was submitted to the State. Actually we submitted three different ones, but the one that seemed to have the most traction with the State and the one that Newington liked the best involved the business district down on New Britain Avenue. So, that is the curbs and sidewalks project that we are on the cusp of getting a \$500,000 grant from the State to do, and we will be working on a project down there, so I don't see anything happening in the area that you were asking about.

Chairman Pane: Thank you. I would suspect that you will be working closely with the businesses over there when you get closer to starting that project. I think that is going to be an excellent project for that neighborhood, the small businesses over there, so I'm glad they picked

that area. Any other comments from the Commissioners? Is there anything else on your Town Planner Report, Craig?

Craig Minor: No.

XII. COMMUNICATIONS

None

XIII. PUBLIC PARTICIPATION (For items not listed on the agenda. Speakers limited to two minutes. Use the Zoom "Raise Hand" function.)

None

XIV. REMARKS BY COMMISSIONERS

None

XV. CLOSING REMARKS BY THE CHAIRMAN

Chairman Pane: I have one. Craig, on the restaurants where we helped them out with the outside dining and everything, should we get a note to them telling them that they can keep this as long as possible, and then into the spring. I'm not sure how you left it with them.

Craig Minor: We left it with each of them that there was an expiration date on their permit, with the full expectation that we would extend it if required, and since then, there have been new executive orders issued by the Governor, so I think your point is well taken, I will contact all of the restaurants and let them know what their rights are under the latest executive order.

Chairman Pane: So that new executive order continues until February or March?

Craig Minor: Yes, that's exactly.....

Commissioner Woods: It's February Mr. Chairman. I think it's the 24th of February.

Chairman Pane: If it's okay with the other Commissioners I think we should notify them all that if they need this in the spring time, even if the executive order is lifted, that they can use these blocks into the spring time, until things get back to normal.

Commissioners: Okay.

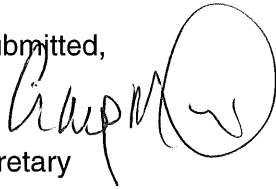
Chairman Pane: So maybe you could address that with the businesses Craig. Thank you. I have nothing else, are there any other comments from the Commissioners? I want to thank everybody, it was a nice short meeting but we got some things accomplished.

XVI. ADJOURN

Commissioner Sobieski moved to adjourn the meeting. The motion was seconded by Commissioner Fox. The meeting was adjourned at 7:57 p.m.

Respectfully submitted,

for Norine Addis,
Recording Secretary

A handwritten signature in black ink, appearing to read "Norine Addis", is written over the printed name. The signature is enclosed within a hand-drawn circle.